AGENDA
CUMBERLAND TOWN COUNCIL MEETING
Town Council Chambers, 290 Tuttle Road
Monday, June 26, 2006

7:00 p.m. – CALL TO ORDER

I. APPROVAL OF MINUTES

May 22, 2006
June 15, 2006
June 19, 2006

II. MANAGER’S REPORT

July 10, 2006 – Recreation & Community Education Report
July 10, 2006 – Maine Turnpike Authority presentation on plaza reconstruction

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

06 – 107. To hold a public hearing to consider and act on amendments to the Zoning Ordinance to add Self Storage Facilities as a permitted use in the southern OC Zone.

06 – 108. To hold a public hearing to consider and act on an increase of the annual compensation for Town Council members from $1,200 to $2,000 and from $1,200 to $2,400 for the Chairman for FY 08.

06 – 109. To hold a public hearing to consider and act on Annual Victualer’s Licenses for the period July 2006-2007.

06 – 110. To hold a public hearing to consider and act on a Swimming Pool License for the Chebeague Island Recreation Center.

06 – 111. To hold a public hearing to consider and act on amendments to the Zoning Ordinance, Section 414, Home Occupations.

06 – 112. To receive a request by Gene Stratton for a 40 acre zone exemption and to consider referral to the Planning Board for its review and recommendation.

06 – 113. To set a public hearing date of July 10, 2006 to consider and act on a Tax Anticipation Note.

06 – 114. To set a public hearing date of July 10, 2006 to consider and act on a Bottle Club Liquor License and Special Amusement permit for the Chebeague Island Hall Community Center for the period August 2006 through August 2007.

06 – 115. To set a public hearing date of July 10, 2006 to consider and act on acceptance of Island Pond Road as a Town Road.

V. NEW BUSINESS

VI. ADJOURNMENT

VII. EXECUTIVE SESSION - pursuant to 1 M.R.S.A. Section 405(6)(c) re: real estate and Section 405(6)(a) re: personnel matters

REBROADCAST SCHEDULE ON REVERSE
MOTIONS

06 – 107 I move to approve amendments to Sections 104, 204.8 and 423 of the Zoning Ordinance to define and add Self-Storage Facilities as a permitted use in the Southern OC Zone.

I move to amend Section 204.8, Office Commercial, of the Cumberland Zoning Ordinance, to add Subsection 204.8.1.11 to allow Self-Storage Facilities as a permitted use in the Southern QC District only.

I move to amend Section 104, Definitions, of the Cumberland Zoning Ordinance to add Subsection 104.117-A, Self Storage Facilities.

I move to amend the Cumberland Zoning Ordinance to add Section 423-A, Self-Storage Facilities.

06 – 108 I move to approve an increase in the annual compensation for Town Council members from $1,200 to $2,000 and from $1,200 to $2,400 for the Chairman for FY 08.

06 – 109 I move to approve the roster of Annual Victualers licenses for the period July 2006-2007, pending final inspections.

06 – 110 I move to approve a Swimming Pool License for the Chebeague Island Recreation Center for the period July 2006-07.

06 – 111 I move to approve amendments to Section 414, Home Occupations, of the Cumberland Zoning Ordinance.

I move to substitute Section 414, Home Occupations, of the Cumberland Zoning Ordinance, with a revised Section 414, Home Occupations and Home-Based Occupations, which shall include sub-sections 414.1, 414.2, 414.3, and 414.4.

I move to amend Section 104, Definitions, of the Cumberland Zoning Ordinance, to add subsection 104.60-A, Home-Based Occupation, as follows:

Home-Based Occupation: Accessory use based or located within a dwelling or accessory structure by the residents thereof, but performed at a location or locations remote from the dwelling, which is clearly secondary to the dwelling used for living purposes and does not change the character thereof.

06 – 112 I move to send a request by Gene Stratton for a 40 acre zone exemption to the Planning Board for review and recommendation.

06 – 113 I move to set a public hearing date of July 10, 2006 to consider and act on a Tax Anticipation Note.

06 – 114 I move to set a public hearing date of July 10, 2006 to consider and act on a Bottle Club Liquor License and Special Amusement Permit Application for the Chebeague Island Hall Community Center for the period August 2006 through August 2007.

06 – 115 I move to set a public hearing date of July 10, 2006 to consider and act on acceptance of Island Pond Road as a Town Road.
MINUTES
CUMBERLAND TOWN COUNCIL MEETING
Town Council Chambers, 290 Tuttle Road
Monday, May 22, 2006

6:30 p.m. – Workshop – To review Val Halla FY07 Budget
7:00 p.m. – CALL TO ORDER
Present: Chairman Stiles, Councilors Turner, Damon, Storey, Kuntz, Moriarty and Porter.

I. APPROVAL OF MINUTES

May 8, 2006

Motion by Councilor Moriarty, seconded by Kuntz, to accept the minutes as presented.
VOTE: UNANIMOUS PASAGE 6-0-1 (Chairman Stiles abstained)

II. MANAGER’S REPORT

- RWS Update - in approximately one year the trash trucks will be retrofitted to take all recycling materials in one truck. A fairly significant savings is anticipated along with a 24-25% recycling increase. Many tires are left at curbside throughout town. Crews are going back to pick up the remaining tires.
- Island Pond request – road was initially built as a town road, to town standards. Residents are requesting the road be accepted as a town road. The Manager recommended a workshop with these residents.
- Turnpike Authority meeting, July 10, 2006 – MTA to attend the July 10th council meeting. Propose to fast track the rest stop facility replacements. West Cumberland residents will be notified. MTA does not have to go through site plan process but is willing to attend the council meeting. MDOT will be here in September re: the Doughty Bridge replacement. Requesting a detour up to five days.
- MDOT September meeting, Rt.100 Bridge Repair – response re: lowering of speed limit on Goose Pond Road; state denied that request. They have informed us we must change the “illegal” 25 mph sign immediately. Councilor Kuntz requested increased police presence due to increased motorcycle and atv use in the area.

III. PUBLIC DISCUSSION

Gwen Frost, Goose Pond Road, requested an update to the Code Enforcement Officer issue regarding code violations in West Cumberland. Manager responded that one came into compliance immediately and the two remaining property owners are preparing compliance agreements which will come before the council at a subsequent meeting in the near future. Consent Decrees and compliance schedules will be presented to the council.

IV. LEGISLATION AND POLICY

06 – 085. To hold public hearing to consider and act on amendment to the Route One South Contract Zone for Cumberland Foreside Village LLC, Owner, Map R01, Lot 11,11B, 8 and 7.

The Town Manager and attorney Ken Cole were present to respond to questions. The Manager noted that an amendment was drafted this afternoon dealing with the five year window, i.e. “sunset clause.” Attorney Clough requested a sunset clause; however, the Manager explained subdivision plans are not typically sunsetted. The Manager read from the yellow highlighted pages supplied to the council. The amendment puts a limit on the infrastructure, and Mr. Chase has indicated he is comfortable with the language, which becomes more restrictive than the amendments originally presented to the Planning Board. Attorney Cole added that Contract Zoning is “no different than a text amendment.” Rather than just permitting the language through its inclusion in the text, you are in effect allowing a “legal spot zone” - a particular use within a particular location. ”We are also allowed to negotiate the terms of how that zone gets allowed. Contract Zoning is “a rezoning with conditions.” The town has no right to say “no we won’t consider it; in fact, the town is obligated to consider” the proposal before them. Through the public process various issues arose that the town has brought back to the applicant. It is also “completely discretionary.” There is no lateral appeal to any other body.” Some of the changes suggested throughout the process are very specific and others are meant only to clarify. This language makes it clear the special exceptions are allowed and in the same process as always. The language is tightened to make it clear that other than the commercial uses
proposed along Route One, offices, etc will have to be set back in the lots off of Route One, and there will be no onsite retail sales in the off Route One lots. Storage warehousing, rather than distribution warehousing is allowed. This allows the use; “it doesn’t waive the rules.” The subdivision approval is in no way being contemplated tonight. We took the site plan requirement and put it into this contract as well “to be very clear.” Other issues not finalized include height restrictions, setback issues. Throughout this process we’ve seen a plan that everybody has relied on. “We’ve incorporated the developer’s proposal as much as we can and asked them to provide a schedule as an exhibit document.” There is also a provision that the contract can not be assigned without the consent of the council.

Councillor Damon sought clarification regarding the blasting. Blasting can occur as site work is accomplished. The schedule is “in a rough sense, attached as an additional attachment, so the town will have some control…” Site work on a non-subdivision lot can not be predicted. Mr. Cole noted “In each instance…any lot being developed in there…will require review by the Planning Board.” The sunset provision says the developer agrees that this contract can be considered changed or repealed by the council if work has not substantially occurred within a period of time. This says to the developer “you’ve got to complete the infrastructure.” Manager added there will be a performance payment bond attached. It’s in his best interest to get this done in a more timely fashion because “we can go in and continue those improvements under his bond.”

During public comments, Mr. Tom Foley, True Spring Farms president, expressed his belief that the neighbor’s concerns “have been listened to” but stated the residents believe significant removal of ledge prior to the sale and/or development of the lots would diminish the quality of the land. It was understood after the meeting with the Town Manager that the 13 acres of land would be subject to stone removal over a period of two years and beyond that time stone work would be done piece by piece by lot. If that is so, “I am very comfortable with that.” Manager stated “Once he has approval for all three he can work on all three.” If, however, work is not complete at the end of two years, those approvals would be null and void. “That leaves us with only one concern. It has to do with the buffer zone along Route One.” The Planning Board has recommended a 75 foot buffer zone be maintained along Route One. If the state performs road widening, the applicant asks that the guidelines be “honored and the buffer zone be kept at 75 feet from the property line.”

Santo Cimino, resident of True Spring Farm, concurred that the True Spring Farm residents “generally support the project. The issue is the buffer. In a little over a mile we have eight curb openings.” He speculated that 300,000 square feet of building would likely require another lane by MDOT. “It’s speculation, but based on good reasoning.” He noted the Planning Board recommendation, the neighborhood residents, and the Route One guidelines all reference a 75 foot buffer. In quoting the Route One Guidelines definition of a buffer, he suggested “There’s no question…that what you can have there is a very tasteful landscape” through which you can see the building. “That is what the neighbors are looking for. I ask you to support the existing body of standards.” The Manager explained that the original 2002 contract zone was 25 feet and the Route One guidelines were adopted after the contract zone was in place. The 65 feet buffer is before the council in the contract zone amendment; and a 35 foot buffer which includes the sidewalk portion as well. The applicant’s engineer clarified that the 65 feet is measured from the property line to the face of the building; the buffer is measured from the property line “before you even get to the building. The Manager added that as the buildings are pushed back, there is a corresponding increase in blasting. “You’re requiring more blasting to occur. There is a trade off.”

Carl Has?, True Spring Farms, commented “We are not eager to see it across the street from us. The more significant issue is what’s left behind. Once that’s gone, it’s gone.” He then showed a photo of what he described as the “very tasteful” Catholic Charities of Maine development. “We think this speaks to the character of how that corridor should continue to be developed.” He suggested there also be a restriction on the volume of ledge extraction. “This whole plan is not so much about development as it is about the rock and ledge and the value of all that.” The applicant’s engineer, Steve Mohr, responded that the existing contract zone which mixes residential and commercial was not Mr. Chase’s vision. The emphasis of the contract is commercial property. The “thrust of this has always been commercial development.” The existing contract zone has seven curb cuts and was dropped down to six after working with the town planner and MDOT. However, only four are from the new development. A deceleration lane would not require cutting into the tree area within the row. “In the ideal world 75 feet gets distributed equally. US Route One is not centered within the right-of-way. “You’re gonna end up with a min of 65 feet” of vegetated buffer; 35 feet total, 25 feet of undisturbed plus 10 feet within the right of way of Route One. He noted the state’s ability to widen that right of way within the buffered area “is fairly narrow.” They also have specific design requirements for the buildings. “It’s not floating out there independently of that buffer,” Philip Gleason, attorney for Mr. Chase, stated development in a tasteful manner has been part of the comprehensive plan. Mr. Mohr added that with the current 65 foot building setback and 35 foot buffer we “end up with ledge faces”. “They will get progressively taller.”

May 22, 2006
Chase responded to statements made regarding blasting of the ledge that stated his “primary concern is the development of the lots…not going after the gravel.” His realtor is also advising him that the lots will not sell “if the buildings can’t be seen from Route One.” He feels he has agreed to a compromise for more buffer than what presently exists at the Seafax lot. “I think the town is protected” and “Quite frankly I’m not interested in a 75 foot buffer. I’m afraid I’m not gonna be able to sell these lots. I need to have a viable subdivision when we’re all done.” In response to further comments by Mr. Cimino, Attorney Phil Gleason clarified “we can not live with the 75 foot buffer. We have no confidence in being able to gain flexibility from the Planning board on that point.” The public hearing was closed at 9:12 p.m.

Councilor Turner stated “We’re looking at a historical situation that we’re all well aware of.” These things come down to a question of benefit and burden. Even a ledge face is going to eventually have some kind of building in front of it. He believes the 35 foot compromise, under the circumstances, makes sense. “We do have a checks and balance system sufficient with individual sites being looked at by the Planning Board to take care of any problems that arise down the road.” Councilor Storey stated that if some of these questions had been posed prior to the development of the northern end of Route One, “all of Schooner Ridge would have come out. You couldn’t possibly picture what it was gonna look like. The best we can do is have our safeguards built in.” Councilor Kuntz believes it is the council’s legislative responsibility to determine whether these are viable projects. “I think it’s gonna be good for the town of Cumberland.” Mr. Chase “could very well go back to the original agreement and bring something that none of us want.” Councilor Moriarty questioned why the walkway is placed in the buffer rather than right-of-way. Mr. Chase responded that “that’s an awful lot of buffering. The only way we added the ten feet was to accommodate the walkway.” The buffer is a 25 foot undisturbed buffer and Mr. Chase feels it is more than sufficient as it is. Councilor Porter expressed comfort with the proposal “as drafted. This has been what a public process should be. I can see the neighbors concerns. I am very confident with what is going on here; I don’t want to go backwards.” Councilor Damon asked whether it can be included in the contract that the buffer would not be disturbed during the first five years. “That might give that extra buffer” during the clearing of the land “and give that potential to the buyer to be more restrictive.” Councilor Moriarty questioned whether this item is in order for approval this evening. In response, Manager Shane, stated that “the missing component is the time schedule as to how this would progress. Outside of that, I believe everything else is in order to go forward.

Councilor Porter moved, seconded by Councilor Kuntz, to approve an amendment to the Route One South Contract Zone for Cumberland Foreside Village, LLC, Map R01, Lot 11, 11B, 8 and 7, as drafted.

At this time, Councilor Kuntz moved to amend the motion. After discussion, Councilor Moriarty clarified the amendment as follows: “to make the vote on the main motion conditional upon subsequent approval, review and approval by the council of the four designated attachments, presumably at our next meeting, our next scheduled meeting.”

AMENDMENT VOTE: UNANIMOUS PASSAGE 7-0
MAIN MOTION AS AMENDED: UNANIMOUS PASSAGE 7-0
TIME: 9:42 p.m.

A short recess was taken.

06 – 086. To hold public hearing to consider and act on the On Premise Hotel License (Class 1-A), Off Premise Liquor License, Victualer’s and Special Amusement permit renewals for Chebeague Island Inn for the period June 2006-2007.

The Manager indicated all inspections were complete and satisfactory and the licenses were in order for consideration.

Motion by Councilor Storey, seconded by Councilor Turner, to approve an On Premise Hotel License (Class 1A) Off-Premise Liquor License, Victualer and Special Amusement Permit renewals for Chebeague Island Inn for the period June 2006-2007.

VOTE: PASSAGE 6-1 (Councilor Kuntz opposed)

06 – 087. To hold public hearing to approve Solid Waste Commercial Hauler’s Licenses for the period June 2006-07.
Each of the five existing Commercial Haulers has submitted renewal applications. They include BBI-Waste Industries, Old Orchard Beach; Waste Management of Maine, Portland; Pine Tree Waste, Scarborough; Troiano Waste Services, Portland; and Reynolds & Sons Disposal, Portland. The licenses are in order for consideration.

Motion by Councilor Moriarty, seconded by Councilor Storey, to approve the Solid Waste Commercial Hauler’s Licenses.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 088. To hold public hearing to consider and act on a sewer rate increase for fiscal year 06-07.

The Manager explained letters were mailed to each of the 1,000 sewer system users. A 15% increase is proposed effective July 1 2006. Councilor Turner expressed his belief that perhaps the town should have sewered the bulk of the town originally. “If it gets inordinate, the town as a whole ought to have some responsibility” in the future.

Motion by Councilor Moriarty, seconded by Councilor Damon, to approve a 15% sewer rate increase for Fiscal Year 06-07.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 089. To hold public hearing to consider and act on a Resolution relating to the establishment of a 401 Retirement plan.

The Town Clerk/Human Resources Director explained this item relates to the establishment of an additional retirement plan for senior level employees. This plan differs from the existing 457 plan in that it does not require contribution matching contributions. Employer contributions are not subject to FICA, saving the required employer Social Security and Medicare contributions otherwise made by the town. This plan also provides another retirement tool for those senior level employees who may be reaching maximum contribution levels under the 457 plan. As a management tool, contributions to the plan may be made in lieu of salary increases. Contribution levels may also vary by employee or group. She also explained this plan can be used as a recruitment and retention tool by the Manager. Additionally, the Town Manager’s recent contract renewal included a new 401 plan, in addition to his 457 plan.

Motion by Councilor Porter, seconded by Councilor Kuntz, to authorize the Town Manager to execute a Resolution relating to the establishment of a 401 Retirement Plan.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 090. To make appointments to Boards & Commissions.

Councilor Porter explained the Nominating Committee interviewed 20 plus candidates, indicating there was a very good mix of people involved in the past, as well as new candidates and two student representatives. He identified the nominees as: Coastal Waters Commission – Paul Belesca, 62 Sawyer Road; and Comprehensive Plan Committee – Bob Vail, 177 Main Street; Mark Robinson, 388 Main Street; Jo-Ann Smith, 226 Blanchard Road; Daniel Nuzzi, 271 Main Street; Randall Copp, 144 Gray Road; Bill Follett, 371 Main Street; Emily Hill, 33 Skillin Road; R. Samuel York, 1 Fox Run Road; Peter Hayes, 15 Farwell Avenue; Eileen Wyatt, 363 Tuttle Road; Mark Lapping, 12 Acorn Lane; Daniel Nuzzi, 271 Main Street; Randall Copp, 144 Gray Road; Bill Follett, 371 Main Street; Emily Hill, 33 Skillin Road; R. Samuel York, 1 Fox Run Road; Peter Hayes, 15 Farwell Avenue; Eileen Wyatt, 363 Tuttle Road; Mark Lapping, 12 Acorn Lane; Megan Stroud, 23 Cider Hill Lane (student); Peter Bingham, 19 Brook Road; Ruth Frydman, 12 Mill Ridge Road; John Ferland, 2 Birch Lane; and Patrick Skahan, 8 Oak Ridge Road. The student members will be non-voting members. One or two council liaison members are also anticipated, as well as SAD and Planning Board representatives.

Motion by Councilor Porter, seconded by Councilor Moriarty, to appoint those persons named above.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 091. Notice of Election and extended voter registration hours.
The Town Clerk noted that she will offer extended hours to conduct voter registration and absentee voting. She reminded the viewers that absentee ballots are available by telephone, mail, fax or in person; however, email requests for absentee ballots can not be accepted. Friday, May 26, 2006, represents the deadline for a voter to change their party designation, and after that date, all new voter registrations must be received in person. She also explained that a new law will be in effect for the first time during the June 13, 2006 primary election, which requires our voting machines to “kick back” any ballot which contains more votes than is required for a candidate race. If a race instructs the voter to vote for one, even though the field of candidates includes more than one candidate, and the voter votes for more than one candidate the ballot will be returned to the voter by the machine and the voter will then be requested to vote a second ballot. The rejected ballot will be spoiled by the election worker and a replacement ballot issued.

Motion by Councilor Kuntz, seconded by Councilor Damon to set the following extended voter registration hours for the June 13, 2006 election, as recommended by the Town Clerk: Wednesday, June 7 and Thursday, June 8, 2006 from 5:00 to 7:00 p.m., and Saturday, June 10, 2006 from 8:00 am to Noon.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 092. To consider and act on a change in Council venue for the June 12, 2006 regular meeting.

Due to the use of the Chambers on Election Day, the Manager requested the next town council meeting be changed either in date or location.

Motion by Councilor Porter, seconded by Councilor Damon, to move the next town council meeting to Thursday, June 15, 2006 at 7:00 p.m.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 093. To send amendments to the Zoning Ordinance, Section 414, Home Occupations to the Planning Board for its review and recommendation.

Councilor Moriarty explained he, Councilor Turner and the Town Manager have held several meetings with the Code Enforcement Office, William Longley to discuss the ordinance regulating home-based businesses. In particular a “business based in one’s home but all the work is done elsewhere; on the road for instance.” The proposed amendment has “already been reviewed by the Zoning Board of Appeals” with some “minor tinkering.” This amendment would allow home-based occupations as defined to take place in town subject to special exception. A special exception would not be required for “minimal type home businesses.” It is designed to take care of a “vacuum that currently exists in the zoning ordinance.” Councilor Turner added that they “left in some equivocal language with the intent of making sure we give the ZBA as much ability to make decisions on a meritorious basis as possible and still maintain the legal standard of language that needed to be in place.”

Councilor Damon expressed concern that businesses such as an oil company or plow service, which have been operating in the past, will find the changes “onerous.” If “all these things have to go to the ZBA, is anybody ever gonna have a business again in town?” The Chair commented that under section 414.1 a home occupation or home-based occupation does not require approval as a special exception if the seven conditions stated are met and there are no exterior indications of the home based occupation.

Motion by Councilor Porter, seconded by Councilor Kuntz, to send amendments to the Zoning Ordinance, Section 414, Home Occupations, to the Planning Board for its review and recommendation.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 094. To authorize the Town Manager to reallocate funds within the existing 2006 Town Budget.
The Manager explained this action generally occurs annually and is required by Charter. Any appropriations over the budgeted amount must be authorized by Manager pursuant to the Charter. Although overall expenses are in line, there are certain expenses which are over budget in several departments, such as fuel, salt, and library mold remediation expenses. We did not exceed our overall budget; in fact we were able to allocate $100,000 in revenues toward the next budget year.

Motion by Councilor Turner, seconded by Councilor Damon, to order that the Town Manager is authorized to transfer revenues and unexpended operating funds from the 2006 fiscal year budget to cover unanticipated overages in the FY 2006 Operations Budget. Be it further ordered that the Town Manager is hereby authorized to transfer $100,000 from Undesignated Fund Balance to be applied for property tax reduction purposes in FY 2007.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 095. To set public hearing date of June 12, 2006 to consider and act on amendments to the Zoning Ordinance, Section 204.9.1, Industrial District Regulations re: Additional Permitted Uses.

The Manager indicated the amendment was changed from the Industrial Zone to the Office Commercial Zone at the town Council level. As such, a second advertisement is required. Additionally, the Manager will bring the item before the Planning Board again, to represent the council’s revision to the OC Zone, and will add Mr. Chase’s request for an increase in the structure size from 15,000 to 20,000 square feet.

Motion by Councilor Porter, seconded by Councilor Kuntz, to send the amendment changes to the Planning Board.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 096. To set public hearing date of June 12, 2006 to consider and act on amendments to the Traffic Ordinance to add stop sign locations.

It was noted to remove Birch Lane at Wildwood Boulevard. It should state Concord at Wildwood. The Manager will return this location at a later date. Dean’s Way at Route 88 was also removed. All streets noted have existing stop signs.

Motion by Councilor Porter, seconded by Councilor Kuntz, to set a public hearing date of June 15, 2006.

VOTE: UNANIMOUS PASSAGE 7-0

| Carriage Road | at Route 88 | Pine Lane | at Ocean Terrace |
| Surry Lane | at Carriage Road | Birch Lane | at Wildwood Blvd |
| Heritage Road | at Carriage Road | Sylvan Lane | at Birch Lane |
| Heritage Road | at Route 88 | Sylvan Lane | at Pine Lane (south) |
| Heritage Road | at Route 88 | Dean’s Way | at Route 88 |
| Hallmark Road | at Route 88 | Sea Cove Road | at Route 88 |
| Longmeadow Road | at Route 88 | Union Road | at Highland Ave |
| Starboard Lane | at Route 88 | Road 3 and 3a | at Forest lake Road (east) |
| Lantern Lane | at Route 88 | Whitney Road | at Orchard Road (south) |
| Highland Ave | at Old Gray Road | Mill Ridge Road | at Mill Road |
| Union Road | at George Road | Valley Road | at Bruce Hill Road (south) |
| Lake Road | at Union Road | Bruce Hill Road | at Pleasant Valley Road (north) |

V. NEW BUSINESS

May 22, 2006

6
Councilor Turner - none

Councilor Damon - request from resident for streaming video of email addresses across the bottom of local cable access channel. Info re: Memorial Day Parade put on website

Councilor Storey - none

Councilor Kuntz – none

Chairman Stiles – absent last meeting – was a guest at Lions Club and honored as Citizen of the year; received a letter from churches on Sports Done Right initiative; Maritime Northeast pipeline request; carcass of a large dog was deposited at the fairgrounds property - counseled public regarding dumping on private property.

Councilor Moriarty – pipeline – will there be a town position on the pressure increase request? Fire chief will issue his recommendation. Next meeting is 3.5 weeks away - suggested workshop on Range Way.

Councilor Porter – complimented North Yarmouth on the sidewalk installation along Route 9 – asked where we are with discussions re: Police coverage. Chair will wait for new council to hold meeting with No Yarmouth. Councilor Moriarty requested a workshop prior to that meeting; reminder re: compost bins available at town hall for $30; complimented suburban little league on the field conditions; he and Peter Bingham will host a candidate’s night on Wed 5/31 at 7:00 pm.

Town Manager – request from citizen on Tuttle Road re: entrance to Twin Brook across from Harris Road. He will present it to the Twin Brook Advisory Board; new council orientation meeting this Wednesday and Thursday evenings for all town council candidates; Island Pond request – asked for a workshop before the next meeting and suggested Police Chief and Island Pond Road road acceptance and Range Way be addressed as well.; June 15th will be a meeting and workshop following; meeting on the 19th to swear in new council members and a meeting to follow at 7:00 p.m.

VI. ADJOURNMENT

Motion by Councilor Porter, seconded by Councilor Moriarty, to adjourn.

VOTE: UNANIMOUS PASSAGE 7-0

TIME: 10:49 p.m.

Respectfully submitted,

Nadeen Daniels, CMC
Town Clerk

May 22, 2006
5:30 Recognition of Outgoing Councilors

Present: Chairman Stiles, Councilors Turner, Damon, Storey, Moriarty and Porter.

I. APPROVAL OF MINUTES

II. MANAGER’S REPORT

Chairman Stiles announced the earlier ceremony for Councilors Storey and Kuntz.
No items from the Manager.

III. PUBLIC DISCUSSION

None.

IV. LEGISLATION AND POLICY

06 – 097. To hold public hearing to consider and act on amendment to the Route One South Contract Zone for Cumberland Foreside Village LLC, Owner, Map R01, Lot 11,11B, 8 and 7.

Upon request by the Town Manager, Councilor Moriarty provided a summary to date. Conditional approval was given at the last meeting due to the fact that not all exhibits were before the council that evening. “We decided back on May 22nd to revisit the issue…and to act upon the entire package as a complete whole.” There was discussion at the last meeting related to an undisturbed buffer; 25 feet in depth with 10 foot for a sidewalk, all within the 65 foot front setback between the property line of the right of way and the closest building to that property line. The proposal was made to increase the width of the buffer to 35 feet and to relocate the proposed sidewalk within the state’s right of way. That has been given some consideration, and at this point we have reached an agreement with Mr. Chase to maintain the 65 foot setback but to increase the buffer from 25 to 35 feet and relocate the sidewalk within the right of way with the state’s permission. The Manager indicated the state has given tentative approval. The applicant must submit a formal request, however. It has been nearly four years (September 2002) since the initial contract zone with Mr. Peter Kennedy was approved. There was no provision for a buffer strip in the original contract zone and only a 25 foot setback between the property line and the first building. Route One Guidelines were subsequently adopted in March, 2003 which includes a 75 foot buffer and slightly larger setback of also 75 feet. The guidelines are not controlling and are not an ordinance. In August of 2005 the subdivision ordinance was amended to also provide a 75 foot buffer along Route One, but it also contained a provision for Planning Board waiver of that requirement under certain conditions. The original contract zone preceded the adoption of both the Route One Guidelines and subdivision ordinance amendments. So, that contract could not have been retroactively impacted. Since the summer of 2005, the property has been sold to Mr. Chase and the contract zone was assigned to Mr. Chase. The town must now consider whether to stick with the old contract or amend it. This is “almost a thoroughly revised contract” before the council at this time which expands both the buffer and the front setback beyond the terms of that original 9/02 contract. If the council adopts the new contract zone this evening, there is a question as to whether that means tomorrow morning there will be earth moving machines, etcetera, on the site. “That’s not the case. There’s a lot of work that needs to be done, both here within town and in other state and federal agencies before anything can happen. There’s a lot that would happen after tonight…before anything can happen down at that location on Route One.”
Motion by Councilor Porter, seconded by Councilor Moriarty, to reconsider Item 06-085 as adopted on May 22, 2006. VOTE: UNANIMOUS PASSAGE 7-0

Motion by Councilor Moriarty, seconded by Councilor Kuntz, to approve the amended and restated contract zoning agreement between the town of Cumberland and Cumberland Foreside Village, LLC, and to incorporate the various housekeeping amendments and to increase the no cut buffer to 35 feet with a condition that the Maine DOT will permit the installation of a sidewalk within the right of way as stated in Section 3.H of the Contract Zone language.

Applicant representative, Steve Mohr, responded for purposes of clarification that the agreement calls for a 35 feet buffer “and 25 of that was no cut. That 35 feet exists as long as MDOT allows us to put the sidewalk out in the public right of way. In the event MDOT doesn’t allow us to put that out there we may be forced back into that last ten feet of the 35 feet. I just want to make sure there’s no thought that it’s an absolute no cut 35 foot zone unequivocally.” Councilor Moriarty then referenced page 5, paragraph H, of the contract which states that “the undisturbed Route One buffer shown on the plan shall be 35 feet from the property boundary along the Route One right of way unless DOT does not accept the location of the walkway/path in the right of way, then 25 feet of the Route One buffer shall be undisturbed vegetation and the remaining ten (10) feet shall be used for a common walkway/path.” Councilor Moriarty agreed with the understanding.

Mr. Tom Foley, True Spring Farm, expressed his understanding as well, asking in the event MDOT does not provide permission whether there is “any opportunity within the agreement to make a further compromise with that walkway? Is that walkway absolutely necessary?” Councilor Moriarty responded that page six, Section V.4, it reads that “the parties agree to negotiate in good faith the terms and conditions of such further instruments and agreements that may be reasonably necessary from time to time…” He is of the opinion that this “opens the door to further agreements, modifications, amendments if unexpected things happen.” However, he would not categorize the MDOT decision as unexpected. “The contingency is built in. If the DOT somehow doesn’t approve, then you revert to the 25 foot no cut buffer and a ten feet strip for the common walkway. In spite of that, I think the door is still open for subsequent agreements or amendments to the fundamental agreement itself. That’s not a guarantee as to what the town at some future point and Mr. Chase could agree to, but the door is open, the opportunity is there.” Mr. Foley replied with appreciation for the clarification and the council’s “efforts to come to reasonable compromises on our behalf.” Councilor Damon described the discussions resulting from this contract as “a good example” of citizen participation and public process.

VOTE on Councilor Moriarty’s motion: UNANIMOUS PASSAGE 7-0

Motion by Councilor Moriarty, seconded by Councilor Damon, that the Cumberland Town Council hereby finds that it has reviewed and approved the exhibits proposed by Cumberland Foreside Village, LLC, as attachments A, B, C and D to the Amended and Restated Route One South Contract Zoning Agreement as conditionally approved on May 22, 2006 and as finally approved on June 15, 2006. VOTE: UNANIMOUS PASSAGE 7-0

06 – 098. To hold public hearing to consider and act on amendments to the Zoning Ordinance, Section 204.9.1, Industrial District Regulations re: construction operations.

Manager explained that the Planning Board on May 17th considered the council’s recommendation for the addition of construction operations to the Industrial zone as a permitted use. The Planning Board has returned “a positive recommendation.” He requested Councilor Moriarty to present the amendment language. Councilor Moriarty stated the amendment will do two things: (1) add construction operations as a permitted use in the Industrial Zone, and (2) amend the existing definition of construction operations, which is found in a different section altogether. The purpose was to protect or grandfather businesses which have been engaged in processing of concrete or asphalt extraction prior to this point. In order to accomplish that goal he recommended adding language, after the comma in section 403.13, as follows: “, except for those businesses in operation prior to 6/15/06.” The Manager stated the Code Enforcement Officer has provided a letter in the past stating these businesses have been operating in that area for some time in order to continue the use. The Storey Brothers have been provided such a letter for several years.

No public comments.
Councilor Damon questioned why we are limiting the use just to businesses that are already in business? Councilor Moriarty explained the intent is not to “broaden that use in the Industrial Zone apart from the businesses that are already doing it now. But, we want to protect those that have been doing that business for some time.” Should there be a demand in the future, “we can always consider a further amendment.” Councilor Porter agreed with Councilor Damon’s belief that prior discussion was “to have it written so that it wasn’t an interpretation by a Code Enforcement Officer in the future. I was of the impression that the entire zone…was going to allow” the use, but “I don’t think it matters one way or another to me as far as moving forward.” Councilor Kuntz explained that the town, state and Storey Brothers property consist of 85% of the Industrial Zone. So, “you don’t have a lot of area left to expand.” Councilor Damon felt by “making it a permitted use in the Industrial Zone” there is “an opportunity to eliminate a barrier.” Councilor Porter questioned “Why not just strike the language and make it an allowable use?” Councilor Moriarty restated that there are two items before them. Councilor Damon’s suggestion would “stick with the first sentence of the existing definition and not even take out the rest of it.” The Town Manager then explained “this definition is the same definition for the RI Zone and you do not want to have extraction operations along Middle Road. I think this language as presented…is probably the cleanest way to do what we want to do. If you change the language to allow the permission of extraction and processing we’d have to develop another definition for the RI zone” because of possible “unintended consequences.”

Councilor Moriarty moved, seconded by Councilor Kuntz, to amend Section 204.9.1 to add a new Subsection designated .11 to allow construction operations as a permitted use in the Industrial Zone.
VOTE: UNANIMOUS PASSAGE 7-0

Councilor Moriarty moved, seconded by Councilor Kuntz, to amend section 104.32 of the Zoning Ordinance, the definition of construction operations, to change the second sentence so that it would read as follows “this use does not include the manufacturing or processing of concrete and/or asphalt or the extraction or processing of earth materials, except for those businesses in operation prior to June 15, 2006.
VOTE: UNANIMOUS PASSAGE 7-0

06 – 099. To hold public hearing to consider and act on amendments to the Traffic Ordinance to add stop sign locations.

- Carriage Road at Route 88
- Hallmark Road at Carriage Road
- Surry Lane at Carriage Road
- Heritage Road at Route 88
- Heritage Road at Carriage Road
- Hallmark Road at Route 88
- Longmeadow Road at Route 88
- Starboard Lane at Route 88
- Lantern Lane at Route 88
- Highland Ave at Old Gray Road
- Union Road at George Road
- Lake Road at Union Road
- Pine Lane at Ocean Terrace
- Concord Circle at Wildwood Blvd
- Sylvan Lane at Birch Lane
- Sylvan Lane at Pine Lane (south)
- Sea Cove Road at Route 88
- Union Road at Highland Ave
- Road 3 and 3a at Forest lake Road (east)
- Whitney Road at Orchard Road (south)
- Mill Ridge Road at Mill Road
- Pleasant Valley Road at Valley Road (north)

Chairman Stiles read the signs for the benefit of the viewing public and explained these stop signs are already in place “and we’re just cleaning up our paperwork.”

No public comments.

Motion by Councilor Porter, seconded by Councilor Kuntz, to approve the amendments to the Traffic Ordinance to add the stop sign locations as read.
VOTE: UNANIMOUS PASSAGE 7-0
06 – 100. To set a public hearing date of June 26, 2006 to consider and act on an increase of the annual compensation for Town Council members from $1,200 to $2,000 and from $1,200 to $2,400 for the Chairman for FY 07.

Councilor Storey explained he “promised” he would present this item “as my last official motion as a councilman.” “I think the council is underpaid for the hours they put in.” He also expressed his belief that the Council Chair should receive an additional amount “because he spends at least an hour a week longer than the regular ordinary councilman with the Manager. The Manager and the Chairman work very closely together and … it deserves a difference in the pay.”

Discussion of timing occurred. The Clerk stated, and Councilor Moriarty agreed, the Charter specifies that an increase in council compensation shall be handled as an ordinance whose passage requires seven days advance notice. Councilor Moriarty suggested to steps could be taken: (1) a public hearing and action may occur at the next meeting, or (2) the item can be presented to the voters in November, 2006. The ballot will contain one charter change in November, 2006, relating to the Chebeague Island council seat. An additional ballot question would also require proper notice and hearing.

Councilor Storey stated he “would feel comfortable having it go before the voters. The money is there in the budget for the increase. I would like to see the council’s salary be brought up.”

Councilor Damon stated she sees no “moral dilemma of this council voting to increase the pay.” The time commitment required of the council is extensive and she does not believe it has to be presented to the voters. “I don’t have any problem with voting us a raise.”

Motion by Councilor Storey, seconded by Councilor Kuntz, to set a public hearing for June 26, 2006.
VOTE: UNANIMOUS PASSAGE 7-0


Councilor Porter moved, seconded by Councilor Moriarty, to set a public hearing date of June 2006 to consider and act on Annual Victualer’s Licenses for the period July 2006-2007.
VOTE: UNANIMOUS PASSAGE 7-0

06 – 102. To set a public hearing date of June 26, 2006 to consider and act on a Swimming Pool License for the Chebeague Island Recreation Center.

Motion by Councilor Damon, seconded by Councilor Turner, to set a public hearing date of June 26, 2006 to consider and act on a Swimming Pool License for the Chebeague Island Recreation Center.
VOTE: UNANIMOUS PASSAGE 7-0

06 – 103. To set a public hearing date of June 26, 2006 to consider and act on amendments to the Zoning Ordinance, Section 414, Home Occupations.

Motion by Councilor Moriarty, seconded by Councilor Kuntz, to set a public hearing date of June 26, 2006 to consider and act on amendments to the Zoning Ordinance, Section 414, Home Occupations.
VOTE: UNANIMOUS PASSAGE 7-0
To set a public hearing date of June 26, 2006 to consider and act on Consent Decrees for Zoning violations for properties located at 62 Blackstrap Road, Map R07, Lot 41C and 19 Upper Methodist Road, Map R07A, Lot 1B.

Motion by Councilor Kuntz, seconded by Councilor Moriarty, to set a public hearing date of July 10, 2006 to consider and act on Consent Decrees for Zoning violations for properties located at 62 Blackstrap Road, Map R07, Lot 41C and 19 Upper Methodist Road, Map R07A, Lot 1B.

VOTE: UNANIMOUS PASSAGE 7-0

V. NEW BUSINESS

Councilor Turner - commented re: calls from Starboard Lane residents re: drainage coming from ‘red house’; understands the drainage is an MDOT issue, there is a ditch 6’ deep and full of water and it is a safety concern. Suggested the drainage be redirected to the Longmeadow drain - town offered that to the developer, who will be in front of the Planning Board to revise their drainage proposal - Manager will be in attendance.

Councilor Damon - congratulated the class of 2006 and highlighted the Town Manager’s son, Jordan Shane who has performed camera duties for the town – duties will now be handled by Zach Shane. Today last day of school. June 24th the Museum of Chebeague History will open “Creating Community; the Hamilton Connection” exhibit. A Hamilton reunion will be held on July 15th. On July 25th a potluck cook-out will be held to acknowledge the support that the people of Chebeague received during the secession process.

Councilor Storey – advice on how to shorten the meetings – put a “curb” on Councilor Porter and Damon talking. Has enjoyed serving on the council. “One of the finest council’s I’ve ever served on.”

Councilor Kuntz – It’s been a pleasure to work on the council for the last 9 years. I don’t think you can get a finer bunch of councilors in any town. One of the most important votes that I voted was for Bill Shane to be Town Manager. He has brought passion and professionalism to the position that is without any comparison. Thanked all Councilors – Turner – logical; Damon – conscious; Chairman and Steve – workaholics; Porter – love him or hate him, but I like Jeff very, very much – a wonderful colleague. Thanked Town Clerk and citizens. “You should try to leave it better thank you found it and I believe I have.

Chairman Stiles – Trust For Public Land workshop on June 28th. County is having a strategic planning community forum 6/29. Habitat census workshop Annual report is out for 04-05. State police doing bomb practice training and scaring people with the explosions. Should give advance notice to public.

Councilor Moriarty – Route 100 Adv Committee working on survey to be mailed to all residents of town as early as Monday for return date of July 2. Assembled and analyzed by mid July. Main St widening component of the high school renovation project. Manager stated DOT has stated there has to be another traffic study to determine if it is warranted to widen the entire length of Main Street. That will be before us if the voters approve the referendum in November. It was advised those costs be included because we may need to widen, but we do plan to work with the state to avoid the widening. “Hopefully we never have to use” that money. Been a privilege to have known and to have served with both Mark and Harland.

Councilor Porter – it’s been a real ball serving with both of you - will take credit for the liberalization of the shirt colors for Harland and Mark. Will not be at the June 26th meeting where we will discuss the police department numbers for service being provided to North Yarmouth. We were over there 65 times in the last year. School Resource Officer made 52 contacts for Cumberland, 54 for NY, and 14 for Chebeague Island students. We are subsidizing a six figure amount.
Manager – received a written request from Jean Stratton to consider exempting 40 acre lots from the subdivision ordinance. Cumberland chose many years ago not to exempt the 40 acre lots. State now says any lot 40 acres or greater not in the shoreland zone can be exempted. This item will be on the next council agenda for consideration and discussion. Finance Director Melody Main rendered her resignation with the Town. She will be moving on to become a real estate property manager. Sad but envious time and very happy for her. We wish her the best. She’ll be tough to replace.

Chairman congratulated newly elected Councilors Shirley Storey-King and Ronald Copp, Jr. “I welcome you to our group.” Thanked Councilors Storey and Kuntz for their dedication and hard work and extended best wishes to both.

VI. ADJOURNMENT

Motion by Councilor Porter to adjourn to workshop, seconded by Councilor Kuntz.
VOTE: UNANIMOUS PASSAGE 7-0
TIME: 8:11 p.m.

VII. WORKSHOP – To discuss a request from Island Pond Road to be accepted as a Town Road and to meet with the Police Chief.

Respectfully submitted,

Nadeen Daniels, CMC
Town Clerk
Present: Chairman Stiles, and Councilors Turner, Damon, Copp, Storey-King, Moriarty and Porter.

I. MANAGER’S REPORT

Manager Shane shared sad news that Val Halla’s Business Manager, Ned Gribbin lost his grandson in a car accident and provided the visiting hours and memorial service times for the Council.

II. PUBLIC DISCUSSION

None.

III. LEGISLATION AND POLICY

06 – 105. To induct newly elected Town Councilors.

Nancy Stroud, Executive Secretary to the Town Manager administered the oaths of office for councilors Ronald Copp, Jr., Shirley Storey-King, and George Turner.

06 – 106. To elect Council Chairperson and Vice Chairperson.

Chairman Stiles said it had been an honor and a pleasure to serve as Chair for two years and thanked the Council for its support.

Councilor Porter moved to nominate Councilor Stephen Moriarty as Chair of the Cumberland Town Council. Councilor Damon seconded the motion.

There were no other nominations and no discussion.

VOTE: UNANIMOUS PASSAGE 7-0

Councilor Porter moved to nominate Councilor George Turner as Vice Chair of the Cumberland Town Council. Councilor Damon seconded the motion.

There were no other nominations and no discussion.

VOTE: Motion PASSED 6-0-1 (Councilor Turner abstained)

Councilor Porter thanked Chairman Stiles “for the two years he put in. You’ve served at a very difficult time… You’ve conducted yourself with the highest level of professionalism and you’ve really made sure that things work smoothly. I think all of those in the public and those here on the dais really appreciate the work you’ve done for us. Again, I know Harland [Storey] talked about the additional monetary amount. Unfortunately, you’ll be getting off before that vote…”

Councilor Moriarty echoed Councilor Porters comments and added that Chairman Stiles had “done an enormously capable job this year. We all owe you a huge debt of gratitude. You’ve brought us through several difficult budgets. You got hit last year with the Chebeague Session, which had not been anticipated. You led us through that very, very capably and many thanks for all your work.”
Chairman Stiles thanked the Councilors and said that “it’s a group effort and team work. I think we have a great team and appreciate everybody’s input.

**06 – 107.** To set a public hearing date of June 26, 2006 to consider and act on amendments to the Zoning Ordinance to add Self-Storage Facilities.

Councilor Stiles moved to set a public hearing date of June 26, 2006. Vice Chairman Turner seconded the motion.

**VOTE:** UNANIMOUS PASSAGE 7-0

**IV. NEW BUSINESS**

**Councilor Copp** – Thanked everyone on the Council for his or her support.

**Councilor Damon** – None

**Councilor Storey-King** – Echoed Councilor Copp’s thanks.

**Councilor Turner** – Thanked Councilor Stiles and Manager Shane for their hard work over the past year.

**Councilor Stiles** – Addressed comments made by Councilor Porter about compensation and added that he appreciated the ability to provide a public service.

**Chairman Moriarty** – Gave an update about the success of the Cumberland Historical Society’s Old House Tour and noted that both the Chair and Vice Chair were graduates of Bowdoin College.

**Councilor Porter** – In honor of former Councilors Storey and Kuntz, Councilor Porter had nothing new to report.

**Town Manager** – Skillins Road should have a first coat of pavement by July 4th.

**V. ADJOURNMENT**

Chairman Moriarty explained that the Council would adjourn the regular meeting and resume in workshop to discuss the following:

- **Main Street and Tuttle Road Sidewalk project**
- **Local Circuit Breaker program (Bill Stiles)**
- **Other Council Projects for FY 07**
  - Sewer impacts
  - Rt. 88 drainage issues
  - Rt. 100 TIF
  - Main Street (Lawn Ave. to Blanchard Rd. drainage)
  - General neighborhood meetings.

This portion of the meeting would not be televised.

Motion by Councilor Turner, seconded by Councilor Stiles to adjourn.

**VOTE:** UNANIMOUS PASSAGE 7-0

**TIME:** 7:13 p.m.

Respectfully Submitted by,

Nancy L Stroud
Executive Secretary
06-107

Public Hearing

Zoning Ordinance Amendments

Allow Self-Storage Facilities as a permitted use in the Southern OC Zone
Notice of Decision

Date: June 22, 2006

To: William Shane, Town Manager
   Town of Cumberland
   290 Tuttle Road
   Cumberland, ME 04021

Re: Public Hearing - To recommend to the Town Council zoning amendments for Section 204.8.1 Southern Office Commercial “Self-Storage Facilities” as permitted uses.

This is to advise you that on June 20, 2006 the Planning Board voted to recommend the following zoning amendment to Section 204.8 Southern Office Commercial District.

2048.1.11 .11 “Self-Storage Facilities”

104. .117 Self Storage Facilities: A structure divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential users.

Section 423: A Self Storage Facility is a fully enclosed structure with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials. The footprint of the structure shall be no larger than 15,000 sq. ft. in size; shall not exceed a height of 35'; and shall be required to meet all applicable lot standards of the zone in which it is located. There shall be no outside storage of any kind including such large items such as RVs and boats. The structure shall be landscaped with plantings sufficient to buffer the structure from adjacent properties. The architectural design of the building shall be consistent with the New England style and shall include such features as pitched roofs, vertical rectangle windows, and brick, clapboard or shingle siding. The use of the vinyl siding is acceptable; metal siding is not permitted.

Findings of Fact: None
Waivers granted: None
Waivers Denied: None

Standard Conditions of Approval
This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimis changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Cumberland Planning Board

Thomas E. Powers, Board Chair
Nadeen Daniels

From: Stephen W. Moriarty [smoriarty@nhdlaw.com]
Sent: Monday, June 26, 2006 1:59 PM
To: Nadeen Daniels
Subject: RE: MOTIONS 06-26-06

06-107: First motion - OK.
Second motion - Let's use a capital letter A.
Third motion - I don't think this is right. We're not amending the existing section 423. Instead, we're amending the Zoning Ordinance itself by adding a new section 423-A. I think it's sufficient just to move to amend by adding the new section.

06-111: First motion - OK.
Second motion - As before, let's use a capital A. Otherwise OK.

Please let me know what you think.

From: Nadeen Daniels [mailto:ndaniels@cumberlandmaine.com]
Sent: Monday, June 26, 2006 12:56 PM
To: Stephen W. Moriarty; William Shane
Subject: MOTIONS 06-26-06

Hi,

Here are the revised motions. Please let me know if I need to make any further corrections.

Thanks,
Nadeen

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06-108

Public Hearing

Increase Annual Compensation FY 07

Town Council members from $1,200 to $2,000
Chairman from $1,200 to $2,400
To: Town Council
From: William R. Shane, Town Manager
Date: June 9, 2006
Re: Increase in Town Council Compensation

Council Meeting Item 06-100

Article II- Town Council Section 4. Compensation of the Town’s Charter presently states compensation for Town Councilors shall not exceed $1,200 per year, but may be changed by Council Action. The Council Action may not impact the present municipal year.

Councilor Storey has asked to make a motion increasing the Town Council’s compensation to $2,000 per year for Councilors and $2,400 for the Chairperson. The monies have been included in the FY 2007 budget, but a Council vote and Public Hearing is required to formalize the action.
1. Municipal officers. The municipal officers may determine that amendments to the municipal charter should be considered and, by order, provide for notice and hearing on them in the same manner as provided in subsection 5, paragraph A.

5A. ...At least 7 days before the hearing, they shall publish a notice of the hearing in a newspaper having general circulation in the municipality. The notice must contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them.

Within 7 days after the hearing, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election held at least 30 days after the order is passed; or they may order a special election to be held at least 30 days from the date of the order for the purpose of voting on the proposed amendments.

2. Charter Amendment. In the case of a charter amendment the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter amendment reprinted (summarized) below?"

4. Effective date. If a majority of the ballots cast on any question under subsection 1 or 2 favor acceptance, the new charter, charter revision, charter modification or charter amendment becomes effective as provided in this subsection, provided the total number of votes cast for and against the question equals or exceeds 30% of the total votes cast in the municipality at the last gubernatorial election. $\left(11 \leq 0.2 \times 2 \times 10^4 \times 0.3 \times 0.9 \right)

B. Charter amendments adopted by the voters take effect on the date determined by the municipal officers, but not later than the first day of the next municipal year.

- Advertise public hearing and text with brief explanation (notice given at last mtg & public hearing advertised for this evening, however, no text or explanation was included in advertisement).
- Advertise with text/explanation in Thursday, June 29, in Leader/Forecaster. (last date to advertise is 8/31 for the 9/11 meeting)
- Hold public hearing (at least 7 days later) at July 10, 2006 meeting. (9/11 mtg)
- Within 7 days after hearing, municipal officers order amendment placed on next regular municipal election held at least 30 days later. Council to also adopt an order at July 10th (9/11) meeting placing the question on the ballot of November 7, 2006.
- Election held November 7, 2006.
- Increases become effective July 1, 2007.
Title 30-A: MUNICIPALITIES AND COUNTIES (HEADING: PL 1987, c. 737, Pt. A, @2 (new))

Part 2: MUNICIPALITIES (HEADING: PL 1987, c. 737, Pt. A, @2 (new))

Subpart 2: ORGANIZATION AND INTERLOCAL COOPERATION (HEADING: PL 1987, c. 737, Pt. A, @2 (new))

Chapter 111: HOME RULE (HEADING: PL 1987, c. 737, Pt. A, @2 (new))

§2104. Charter amendments; procedure

1. Municipal officers. The municipal officers may determine that amendments to the municipal charter should be considered and, by order, provide for notice and hearing on them in the same manner as provided in subsection 5, paragraph A. Within 7 days after the hearing, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election held at least 30 days after the order is passed; or they may order a special election to be held at least 30 days from the date of the order for the purpose of voting on the proposed amendments.

A. Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

B. Alternative statements of a single amendment are prohibited. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

2. Petition by voters. On the written petition of a number of voters equal to at least 20% of the number of votes cast in a municipality at the last gubernatorial election, but in no case less than 10, the municipal officers, by order, shall provide that proposed amendments to the municipal charter be placed on a ballot in accordance with paragraphs A and B.

A. Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

B. Alternative statements of a single amendment are prohibited.
3. Petition procedure. The petition forms shall carry the following legend in bold lettering at the top of the face of each form.

"Municipality of...."

"Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment of the municipal charter as set out below."

No more than one subject may be included in a petition.

In all other respects, the form, content and procedures governing amendment petitions shall be the same as provided for charter revision and adoption petitions under section 2102, including procedures relating to filing, sufficiency and amendments.

4. Amendment constituting revision. At the request of the petitioners' committee, the petition form shall also contain the following language:

"Each of the undersigned voters further requests that if the municipal officers determine that the amendment set out below would, if adopted, constitute a revision of the charter, then this petition shall be treated as a request for a charter commission."

Upon receipt of a petition containing this language, the municipal officers, if they determine with the advice of an attorney that the proposed amendment would constitute a revision of the charter, shall treat the petition as a request for a charter commission and follow the procedures applicable to such a request.

5. Action on petition. The following procedures shall be followed upon receipt of a petition certified to be sufficient.

A. Within 10 days after a petition is determined to be sufficient, the municipal officers, by order, shall provide for a public hearing on the
proposed amendment. At least 7 days before the hearing, they shall publish a notice of the hearing in a newspaper having general circulation in the municipality. The notice must contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

B. Within 7 days after the public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this State that the proposed amendment does not contain any provision prohibited by the general laws, the United States Constitution or the Constitution of Maine. In the case of a committee report, a copy shall also be filed with the municipal officers. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

C. On all petitions filed more than 120 days before the end of the current municipal year, the municipal officers shall order the proposed amendment to be submitted to the voters at the next regular or special municipal election held within that year after the final report is filed. If no such election will be held before the end of the current municipal year, the municipal officers shall order a special election to be held before the end of the current municipal year for the purpose of voting on the proposed amendment. Unrelated charter amendments shall be submitted to the voters as separate questions. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

[1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

6. Summary of amendment. When the municipal officers determine that it is not practical to print the proposed amendment on the ballot and that a summary would not misrepresent the subject matter of the proposed amendment, the municipal officers shall include in their order a summary of the proposed amendment, prepared subject to the requirements of section 2105, subsection 3, paragraph C, and instruction to the clerk to include the summary on the ballot instead of the text of the proposed amendment. [1991, c. 622, Pt. X, §10 (amd).]

Section History:
PL 1987, Ch. 737, §A2, C106 (NEW).
PL 1989, Ch. 6, § (AMD).
The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public. If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes
7 State House Station
State House Room 108
Augusta, Maine 04333-0007

This page created on: 2005-10-01
The method of voting at municipal elections, when a question relating to a charter adoption, a charter revision, a charter modification or a charter amendment is involved, shall be in the manner prescribed for municipal elections under sections 2528 to 2532, even if the municipality has not accepted the provisions of section 2528. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

1. Charter revision or adoption. Except as provided in paragraph A, in the case of a charter revision or a charter adoption, the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the (charter revision) (new charter) recommended by the charter commission?"

A. If the charter commission, in its final report under section 2103, subsection 5, recommends that the present charter continue in force with only minor modifications, those modifications may be submitted to the voters in as many separate questions as the commission finds practicable. The determination to submit the charter revision in separate questions under this paragraph and the number and content of these questions must be made by a majority of the charter commission.

(1) If a charter commission decides to submit the charter revision in separate questions under this paragraph, each question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter modification recommended by the charter commission and reprinted (summarized) below?"

[1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).] [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]
2. Charter amendment. In the case of a charter amendment the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter amendment reprinted (summarized) below?"

[1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

3. Voter information. Reports shall be made available and summaries prepared and made available as follows.

A. In the case of a charter revision or charter adoption, at least 2 weeks before the election, the municipal officers shall:

(1) Have the final report of the charter commission printed;

(2) Make copies of the report available to the voters in the clerk's office; and

(3) Post the report in the same manner that proposed ordinances are posted.

[1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

B. In the case of a charter amendment, at least 2 weeks before the election, the municipal officers shall:

(1) Have the proposed amendment and any summary of the amendment prepared under this section printed;

(2) Make copies available to the voters in the clerk's office; and

(3) Post the amendment and any summary of that amendment in the same manner that proposed ordinances are posted.

[1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

C. Any summary must fairly describe the content of the proposed amendment and may not contain information designed to promote or oppose the amendment. [1991, c. 622, Pt. X, §11 (amd).]

[1991, c. 622, Pt. X, §11 (amd).]

4. Effective date. If a majority of the ballots cast on any question under subsection 1 or 2 favor acceptance, the new charter, charter revision, charter modification or charter amendment becomes effective as provided in this

http://janus.state.me.us/legis/statutes/30-A/title30-A/sec2105.html 6/26/2006
subsection, provided the total number of votes cast for and against the question equals or exceeds 30% of the total votes cast in the municipality at the last gubernatorial election.

A. Except as provided in subparagraph (1), new charters, charter revisions or charter modifications adopted by the voters take effect on the first day of the next succeeding municipal year.

(1) New charters, charter revisions or charter modifications take effect immediately for the purpose of conducting any elections required by the new provisions.

[1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

B. Charter amendments adopted by the voters take effect on the date determined by the municipal officers, but not later than the first day of the next municipal year. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

Section History:
PL 1987, Ch. 737, §A2, §C106 (NEW).
PL 1989, Ch. 6, § (AMD).
PL 1989, Ch. 9, §2 (AMD).
PL 1989, Ch. 104, §C8,10 (AMD).
PL 1991, Ch. 622, §X11 (AMD).

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7 State House Station
State House Room 108
Augusta, Maine 04333-0007

This page created on: 2005-10-01
Within 3 days after the results of the election have been declared, the municipal clerk shall prepare and sign 3 identical certificates setting forth any charter that has been adopted or revised and any charter modification or amendment approved. The clerk shall send one certificate to each of the following: [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

1. Secretary of State. The office of the Secretary of State, to be recorded; [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

2. Law library. The Law and Legislative Reference Library; and [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

3. Clerk's office. The office of the municipal clerk. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

Section History:
PL 1987, Ch. 737, §A2,C106 (NEW).
PL 1989, Ch. 6, § (AMD).
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PL 1989, Ch. 104, $C8,10 (AMD).

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Office of the Revisor of Statutes
7 State House Station

http://janus.state.me.us/legis/statutes/30-A/title30-Asec2106.html 6/26/2006
06-109

Public Hearing

Annual Victualer’s Licenses
MEMORANDUM

TO: TOWN COUNCIL MEMBERS
FROM: NADEEN DANIELS, TOWN CLERK
RE: 2006 VICTUALER’S LICENSES

Please find attached the 2006 Victualer’s License Master List. The list has changed from last year in the following sense:

- Out to Sea Bakery – in the process of moving, did not apply
- Cumberland Soccer Club – New Non-profit Application
- Suburban Little League – New Non-Profit Application
- 4-H (Kelly Strout) – New Non-Profit Application
- Afternoon Tea & Company

I request your approval of the attached list of Victualer’s licenses pending final inspection and approval by the Health Officer, Fire Chief and Code Enforcement Officer.

Thank you.
## 2006 VICTUALERS LICENSES

<table>
<thead>
<tr>
<th>Business Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mary Ellen’s (Perry) Bakery</td>
<td>284 Greely Road</td>
</tr>
<tr>
<td>Gail Todd Catering (previously Chebeague Island Bakery)</td>
<td>4 Grove Street</td>
</tr>
<tr>
<td>Big Apple</td>
<td>174 Main Street</td>
</tr>
<tr>
<td>Food Stop</td>
<td>318 Main Street</td>
</tr>
<tr>
<td>J. Brothers Variety</td>
<td>42 Gray Road</td>
</tr>
<tr>
<td>Chebeague Island Inn</td>
<td>61 South Road</td>
</tr>
<tr>
<td>Basil Provisions</td>
<td>138 Main Street</td>
</tr>
<tr>
<td>Sweetser’s Apple Barrel</td>
<td>19 Blanchard Road</td>
</tr>
<tr>
<td>Doughty’s Island Market</td>
<td>237 South Road, Chebeague Island</td>
</tr>
<tr>
<td>Sunset House B&amp;B</td>
<td>74 South Road, Chebeague Island</td>
</tr>
<tr>
<td>D’Antonio’s Baking Company</td>
<td>25 Pond Shore Drive</td>
</tr>
<tr>
<td>*NEW</td>
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### Non-Profit’s:

<table>
<thead>
<tr>
<th>Non-Profit</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumberland/No Yarmouth Lions Club</td>
<td>P.O. Box 352</td>
</tr>
<tr>
<td>Suburban Little League</td>
<td>P.O. Box 42</td>
</tr>
<tr>
<td>West Cumberland United Methodist Church</td>
<td>c/o Carol Myers</td>
</tr>
</tbody>
</table>

*NEW*
To: Town of Cumberland Council
From: William C. Longley Jr. CEO
Subject: Victualer's Inspections 2006
Date: 06-06-06
CC: William Shane, Town Manager
     Clerk

Please be advised that I have received the applications for 2006 Victualer's Licenses and recommend the issuance of all applications subject to inspection during the year at times that may fit my schedule. If any applicant wishes to set a time for inspection I would be happy to accommodate them if possible.
06-110

Public Hearing

Swimming Pool License
Chebeague Island Recreation Center
TOWN OF CUMBERLAND

APPLICATION TO OPERATE A PUBLIC SWIMMING POOL

Date of Application: 5/25/06

Individual Preparing Application: Elizabeth Dyer

Owner of Pool (Licensee): Chebeague Recreation Center

Premises to be Licensed: Same

Location (Street Address): 382 North Rd. Chebeague Island, Maine

Dimensions of Pool: 36' x 75'

Pool Volume: 110,000 gallons

Maximum Depth: 9'

Brief Narrative Description of Nature of Use of Pool:

Recreational swimming, swim lessons, water exercise programs

Designated Pool Director: Gail Miller, C.P.O.

Section 8.1: Source of water supply for pool, drinking fountains, showers, etc.:

- Drilled well

Section 8.2: Does pool meet the requirement of this section? Yes

Section 9.1: Does waste disposal system meet the requirements of this section? Yes

Section 9.2: Does pool meet the conditions of this section? Yes

Section 10.1: Does pool meet the construction standards of this section? Yes

Section 10.2: Pool bottom material: White Marcite
Section 10.3: Does pool conform to standards of this section? Yes

Section 11.1: Does pool conform to standards of this section? Yes

Section 11.2: Does pool conform to standards of this section? Yes

Section 11.3: Does pool conform to standards of this section? Yes

Section 11.4: Depth, shallow end: 3' 6"

Section 12.1: Is depth marked at or above water line surface on vertical wall of pool? Yes / No ; on edge of deck? Yes / No ; at maximum and minimum points? Yes / No ; at points of break between the depth and shallow portions not more than 25 feet apart? Yes / No ; and at the diving area? Yes / No

Section 12.2: Size (height) of depth marking numerals: 4"

Contrasting color to background? Yes / No

Section 12.3: Width of lane markings: 11/16

Section 13.1: Does pool conform to standards of this section? Yes

Section 14.2: Bather capacity as computed under the provisions of this section:

112

Sections 15.1 and 15.2:

Does pool conform to requirements of these sections? Yes

Section 16.1: Does pool conform to requirements of this section? Yes

Section 16.2: Does pool conform to requirements of this section? Yes

Section 16.3: Does pool conform to requirements of this section? Yes

Section 16.4: Does pool conform to requirements of this section? Yes

Section 16.5: Does pool conform to requirements of this section?
Section 17.1: Does pool conform to requirements of this section? Yes

Section 17.2: Does pool conform to requirements of this section? Yes

Section 17.3: Will the pool operator be required to enforce the provisions of this section? Yes

Section 24.1: How often is visible dirt scheduled to be removed from the pool? Daily + as required

Section 24.2: How often is floating matter regularly scheduled to be removed from the pool? Daily + as required

Section 26.1: Is a telephone for emergency use provided as required by this section? Yes

Section 26.2: Are emergency numbers listed as required?
Section 24.1: How often is visible dirt scheduled to be removed from the pool? 
\textit{Daily + as required}

Section 24.2: How often is floating matter regularly scheduled to be removed from the pool? 
\textit{Daily + as required}

Section 26.1: Is a telephone for emergency use provided as required by this section? 
\textit{Yes}

Section 26.2: Are emergency numbers listed as required? 
\textit{Yes}

Section 26.3: How is access to the pool area restricted during non-operating hour? 
\textit{Fence with locked gates}

Section 26.5: What life saving equipment is provided at the pool? 
\textit{Ring buoy, shepherd's crook, throw line, backboard, rescue tube}

Section 26.6: Is a first aid kit meeting the standards of this section readily available? 
\textit{Yes}

Section 26.7: Is life saving equipment mounted and distributed as required by this section? 
\textit{Yes}

Section 27.1: Has a procedure for record-keeping been established or at least the specific data elements specified by this section? 
\textit{Yes}

Section 27.2: Where are/will the public swimming pool records be kept? 
\textit{C.R.C. Office}

Other explanations or information which could be helpful to the Town Council in determining whether or not a license should be granted:

Gail Miller is again C.P.O. + maintains cleanliness of pool. Tapley Pools opens + closes pool and consults on water issues. Pool staff are Red-Cross certified. Opening day is scheduled for Sat. June 3rd and pool closes late September.
I visited the Chebeague Recreation Outdoor Pool on 6-2-06. It was cloudy, slightly rainy, and the pool cover was in place to retain heat. The water temperature was 74 degrees F.

123.5 The drain was easily visible. They have a sechi disk on a rope to test clarity at various levels of the pool since they have no lane markers.

108.1 Source water was tested by A&L Laboratories and was satisfactory (#135701)

109 Waste disposal – adequate

112 Depth markings are located along the pool sides.

120.8 No electrical appliance capable of being operated on 110 V or 220 VAC current is allowed within 15 yards of an outdoor public swimming pool. Radios that require an extension cord are prohibited. 7-23-05 - I requested removal of radio.

122.3 Indoor and outdoor showers are provided.

123.1 Disinfection by at least 1.0 ppm free chlorine residual is tested by the pool operator, Gail Miller.

123.3 The pH is measured and maintained between 7.2 and 7.8.

123.4 Total alkalinity is tested by the titration method.

123.6 Monthly samples of water are tested by a certified lab for both the pool and the kidee pool.

123.7 Most of the pool cultures were negative for bacteria except that on 7-5-05 which had total coliform but no e.coli. The pool was shocked and kept closed until it was clear of bacterial, otherwise it had no problem during the season. Tests for bacteria on 6-2-06 were negative for both kidee and big pool.

124.1 The pool water has been very clear and clean when I visited during the summer.

124.5 The kidee pool is very clean except for last July 5, 2005.
126.131 The rope dividing the deep from the shallow end was not yet in place due to the cover. (Pool was not in use)

126.1 On 6-2-06 the emergency phone was not outside in its proper place. Sarah McKinnon called back later to report that it had been located, put in place and works to call Emergency.

126.3 The pool area is gated and locked when not in use.

126.5 All required life saving equipment is in place.

126.6 The First Aid Kit is properly equipped. Non-latex bandaids are now available for those who need them.

126.12 The pool will be cleared in threatening weather.

127. The records are reviewed when I re-visit.

128. Gail Miller is currently qualified as a CPO (Certified Pool Operator). CPO is required to add toxic chemicals to the pool water.

128.3 I have reviewed the credentials of two of the lifeguards. The others are not yet on board.

Eileen Wyatt, Health Officer, Town of Cumberland
Hi Debbie-

Here's the pool application — nothing has changed from last year.

Please let me know if you need anything else.

Thanks

Beth Dyer, Admin. Director
06-111

Public Hearing

Zoning Amendments

Section 414, Home Occupations
Notice of Decision

Date: June 22, 2006

To: William Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: Public Hearing - To recommend to the Town Council zoning amendments for Sections 414 and 104.60 Home Occupations of the Cumberland Zoning Ordinance.

This is to advise you that on June 20, 2006 the Planning Board voted to recommend the following zoning amendments to Sections 414 and 104.60 Home Occupations of the Cumberland Zoning Ordinance.

Findings of Fact: None

Waivers granted: None

Waivers Denied: None

Standard Conditions of Approval

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except deminimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Cumberland Planning Board

_________________________________________

Thomas E. Powers, Board Chair
Sec. 414 Home Occupations and Home-Based Occupations

414.1 Home Occupations—Accessory use conducted within a dwelling or accessory structure by the residents thereof, which is clearly secondary to the dwelling used for living purposes and does not change the character thereof.

414.1.60 Home Occupations:

An occupation performed or conducted within a dwelling or an accessory structure by the residents thereof, which:

1. Is accessory to a residential use; and
2. Is clearly incidental and secondary to the residential use of the dwelling unit; and
3. Does not change the character of the dwelling.

Home occupations may include, but are not necessarily limited to, arts and crafts work, dressmaking, tutoring, music teaching, the use of a portion of a dwelling as a bed and breakfast inn, a day care home, professional offices such as those of a physician, dentist, lawyer, engineer, architect, hairdresser, barber, real estate broker, insurance agent or accountant, or similar uses.

414.2 Home-Based Occupations:

An occupation based or located within a dwelling or an accessory structure which is performed or conducted at a location or locations remote from the dwelling and which:

1. Is accessory to a residential use; and
2. Is clearly incidental and secondary to the residential use of the dwelling unit; and
3. Does not change the character of the dwelling.

Sec. 414 Home Occupations

414.1 Any home occupation such as arts and crafts work, dressmaking, tutoring, music teaching, and the use of a portion of a residential building as a bed & breakfast inn, day care home, or as the office of a physician, dentist, lawyer, engineer, architect, hairdresser, barber, real estate broker, insurance agent, accountant, or similar uses may be approved as a special exception by the Board of Adjustment and Appeals if—[Amended, effective 12/13/89]

1. The occupation of an office will be managed by a member of the family residing within the dwelling unit. Up to two employees who are not members of the family may be employed in a home occupation, and
The occupation or office will be located wholly within the principal or accessory structures, and:

3. Exterior displays, exterior storage of materials, and exterior indication of the home occupation will not be permitted except for signs as may be specifically provided for by the Board of Adjustment and Appeals and as may otherwise conform to the conditions of this Ordinance; and

4. Noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare will not be detectable beyond property limits, and:

5. Off-street parking spaces will be provided in an amount to be determined by the Board as necessary to avoid street congestion.

§414 Home Occupations and Home-Based Occupations:

414.3-1 Any home occupation or home-based occupation may be approved as a special exception by the Board of Adjustment and Appeals if:

1. The occupation is owned or operated by a member of the family residing within the dwelling unit, and;

2. In the case of a home occupation, no more than two employees who are not members of the family are employed in the occupation, and;

3. In the case of a home-based occupation, no more than two employees who are not members of the family are present at the dwelling at any one time, and;

4. Objectionable or unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare will not be detectable beyond the property limits, and;

5. No traffic in substantially greater volumes than would be normally expected in the neighborhood will be generated, and;

6. Off-street parking spaces are provided in an amount to be determined by the Board to avoid street congestion, and;

7. Exterior displays, exterior storage of materials, and exterior indications of the home occupation or home-based occupation, including signs, are inconspicuous.

A home occupation or home-based occupation does not require approval as a special exception if the seven (7) conditions above are met and it does not result in any exterior indications (including, without limitation, any visual, sound, odor, or traffic indications outside of the dwelling or accessory structure) of the existence of the home occupation or home-based occupation, and does not pose any potential threat to public health, safety, or welfare.

414.4 2 The granting of a special exception approval for a home occupation or home-based occupation shall apply to the applicant only while the applicant resides at the property.
06-112

Zone Exemption Request
from Gene Stratton

Consider referral to Planning Board
June 15, 2006

Mr. William Shane
290 Tuttle Rd.
Cumberland, ME. 04021

Dear Mr. Shane,

I am writing to ask that you assist me in having the Town Council consider a change to the Subdivision Ordinance so that a lot of more than 40 acres is exempt from the requirement of subdivision review. I am hoping to sell approximately 50 acres to someone but for me to do this, I would need to go through subdivision review. If this exemption is made by the Town, then I could sell this land and if the new owner wants to subdivide it in the future, he would need to go through the subdivision process at that time, as required by the Ordinance.

Please place this request for consideration on a Town Council agenda as soon as possible.

You can call me to discuss this request at 829-9918.

Thank you very much for your help.

Sincerely,

Gene Stratton
113 Lower Methodist Road
06-113

Set Public Hearing

July 10, 2006

Tax Anticipation Note
Ordered, that, pursuant to Section 5771 of Title 30-A of the Maine Revised Statutes, as amended, the Town Treasurer is hereby authorized and empowered to borrow money from time to time during the fiscal year ending June 30, 2007 in the principal amount or amounts not exceeding $2,300,000 at any one time outstanding, in anticipation of the collections or receipts from taxes, by the issuance of tax anticipation notes of the Town, each of which notes shall be designated “Town of Cumberland 2007 Tax Anticipation Notes.” All of such tax anticipation notes, and any extensions, renewals or replacements thereof, shall be signed by the Town Treasurer and countersigned by the Chair of the Town Council, shall be payable on or before June 30, 2007, out of money raised by taxation during the fiscal year ending June 30, 2007, shall bear interest payable at maturity at a rate determined in the manner as approved by the Treasurer, and shall contain such other terms and provisions, not inconsistent herewith, and be in such form, as shall be approved by the officers signing the same, whose approval shall be conclusively evidenced by their execution thereof, and

Be It Further Ordered that the Treasurer is hereby authorized to negotiate the interest rate, maturity and other terms and conditions of the notes with whatever financial institutions the Treasurer deems appropriate and to award the notes to such financial institution or institutions, and

Be It Further Ordered that the notes authorized by the foregoing are hereby designated as qualified tax exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, and

Be It Further Ordered that the Treasurer of the Town be authorized to covenant with the purchasers of the notes on behalf of the Town and for the benefit of the holders of the notes, that the Town will take whatever steps, and refrain from taking any action, as may be necessary or appropriate to ensure that interest on the notes will remain free from federal income taxes, including without limitation, the filing of information returns and reports with the Internal Revenue Service and the payment of any rebate due to the United States of America.
06-114

Set Public Hearing

July 10, 2006

Bottle Club Liquor License & Special Amusement Permit
for

Chebeague Island Hall Community Center for the period August 2006 through 2007
July 6, 2006

Maine Department of Public Safety
Liquor Licensing & Inspections Unit
Attn: Inspector Dan Smaha
164 State House Station
Augusta, Maine 04333-0164

Dear Dan,

I am writing to inform you that on June 26, 2006 the Cumberland Town Council voted to approve a Bottle Club Liquor License for the Chebeague Island Hall Community Center as well as a local Special Amusement Permit, for the period of August 2006 through August 2007.

If you have any questions please feel free to contact me at 829-2205.

Sincerely,

Nadeen M. Daniels
Town Clerk
**ALL QUESTIONS MUST BE ANSWERED IN FULL**

**Please Print Clearly**

<table>
<thead>
<tr>
<th>1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., etc.)</th>
<th>2. Business Name (D/B/A)</th>
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<tbody>
<tr>
<td>Chebeague Island Hall Community Center</td>
<td></td>
</tr>
<tr>
<td><strong>DOB:</strong></td>
<td>Location (Street Address)</td>
</tr>
<tr>
<td><strong>Address:</strong> 247 South Rd</td>
<td>City/Town State Zip Code</td>
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</tbody>
</table>

3. Is applicant(s) a corporation? Yes ☑ No ☐ If Yes, complete Supplementary Corporate Questionnaire.

4. Is applicant(s) a non-profit club? Yes ☑ No ☐ If Yes, complete Supplementary Club Questionnaire.

5. Does applicant(s) own the premises? Yes ☑ No ☐ If No, give name and address of owner.
   
   Name: ____________________________
   
   Address: ____________________________ Town/City: ____________________________
   
   State: ____________________________ Zip Code: ____________________________

6. What are the regular days and hours your establishment is operated as a Bottle Club?
   
   Days: Sun Mon Tue Wed Thurs Fri Sat
   
   Hours: Varied times on days - Usually 8:00-1:00 12x year

BottleClubReg / 2003
7. List name, date of birth, place of birth for all applicants and managers. Give maiden name, if married:

<table>
<thead>
<tr>
<th>Name in Full</th>
<th>DOB</th>
<th>Place of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheryl (Race) Buxbaum</td>
<td>7/30/1942</td>
<td>Massachusetts</td>
</tr>
<tr>
<td>Beverly (Ross) Johnson</td>
<td>1/12/1949</td>
<td>Massachusetts</td>
</tr>
<tr>
<td>Martha (Kent) Hamilton</td>
<td>2/20/1923</td>
<td>Georgia</td>
</tr>
</tbody>
</table>

Residence address on all of the above for previous 5 years (Limit answer to city & state)
Chebeague Island, Maine – All of the above

Use a separate sheet of paper if necessary.

8. Has applicant(s) or manager(s) ever been convicted of any violation of the law, other than minor traffic violations of any State of the United States? Yes ☐ No ☑

   Name: ___________________________ Date of Conviction: ____________
   Offense: __________________________ Location: ____________
   Disposition: ________________________

9. Has any other person any interest, directly or indirectly, in your business? Yes ☐ No ☑

10. Has applicant(s) formerly held a Maine liquor license? Yes ☐ No ☑

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to $2000.00 or by both."

Dated at: Chebeague Island on June 20, 2006
City/Town Date Year
Cheryl R. Buxbaum - Pres.

Signature(s) of Applicant(s) or Corporate Officer(s)
Print Name of Applicant(s) or Corporate Officer(s)

STATE OF MAINE

Dated at: Cumberland, Maine Cumberland ss On: June 26, 2006
City/Town (County) Date

The undersigned being: ☑ Municipal Offices ☐ County Commissioners of the
☐ City ☑ Town ☐ Plantation ☐ Unincorporated Place of: Cumberland, Maine

Hereby approve said application in accordance with provisions of Section 161A of Title 28A, MRS as amended.

Signature

For the Cumberland Town Council

Print

Nadeem Daniels
Town Clerk
SUPPLEMENTARY QUESTIONNAIRE FOR CLUB APPLICANTS

1. Exact Club Name: Chebeague Island Hall Community Center (CIHCC)

2. Title, name, birth date and telephone number of each principal officer of the club:

<table>
<thead>
<tr>
<th>Title</th>
<th>Name</th>
<th>Birth Date</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pres</td>
<td>Cheryl R Buxbaum</td>
<td>7/30/1942</td>
<td>846-3552</td>
</tr>
<tr>
<td>1st Pres</td>
<td>Alfred Runge</td>
<td>5/15/1943</td>
<td>846-4008</td>
</tr>
<tr>
<td>Treas</td>
<td>Beverly Johnson</td>
<td>1/12/1949</td>
<td>846-4850</td>
</tr>
<tr>
<td>Sec</td>
<td>Susan Stavropoulos</td>
<td>8/11/1937</td>
<td>846-0476</td>
</tr>
</tbody>
</table>

3. Date Club was incorporated: 12/13/1977

4. Purpose of Club: (x) Social  (x) Recreational  ( ) Patriotic  ( ) Fraternal

5. Date regular meetings are held: 2nd Monday

6. Date of election of Club Officers: August 17

7. Date elected officers are installed: August 17 - following meeting

8. Total Membership: Community

9. Does the Club cater to the public or to groups of non-members on the premises? Yes ☑ No ☐

10. Excluding salaries, will any person, other than the Club, receive any of the financial profits from the sales of liquors? Yes ☐ No ☑ We do not sell liquor

11. If a manager or steward is employed, complete the following:

Name: ___________________________ Date of Birth: ____________

Sign in blue ink

Cheryl R Buxbaum - President
Signature & Title of Club Officer

June 20, 2006
Date

Cheryl R Buxbaum
Print Name & Title of Club Officer
SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Liquor Licensing & Inspection Division is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Department for liquor consumption.
CHEBEAGUE ISLAND HALL COMMUNITY CENTER
CHEBEAGUE ISLAND, ME 04017

PAY TO THE ORDER OF
State of Maine Treasury $50.00

Peoples

MEMO

6/19/06
# TOWN OF CUMBERLAND
APPLICATION FOR A SPECIAL AMUSEMENT PERMIT
FOR MUSIC, DANCING AND/OR ENTERTAINMENT

<table>
<thead>
<tr>
<th>Name of Applicant:</th>
<th>Cheryl R Burbam</th>
<th>Phone: 946-3553</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence Applicant:</td>
<td>24 East Shore Dr. Chebeague Island, ME 04017</td>
<td></td>
</tr>
<tr>
<td>Non-Profit Business Name:</td>
<td>Chebeague Island Hall Community Center</td>
<td>Bus. Phone:</td>
</tr>
<tr>
<td>Non-Profit Business Address:</td>
<td>247 Unit 1 South Rd Chebeague Is, Maine 04017</td>
<td></td>
</tr>
<tr>
<td>Name of Manager:</td>
<td>Board of Volunteers</td>
<td>Phone:</td>
</tr>
<tr>
<td>Residence of Manager:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of Entertainment Applied for:</td>
<td>Weddings / Receptions / Dances / Plays</td>
<td></td>
</tr>
</tbody>
</table>

Has applicant ever had a license to conduct the business therein described either denied or revoked? No. If so, the applicant shall describe specifically those circumstances.

Has applicant, Partners, Associates or Corporate Officers ever been convicted of a felony? No. If so, the applicant shall describe specifically those circumstances.

Additional information may be required by the Town Council prior to the issuance of said permit, including but not limited to a copy of the applicant's current liquor license.

The fee for a Special Amusement Permit shall be $10.00, non-refundable and payable when application is made for said permit.

---

<table>
<thead>
<tr>
<th>Municipal Officers:</th>
<th>Application Received:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved:</td>
<td>Public Notice Posted:</td>
</tr>
<tr>
<td>Disapproved:</td>
<td>Date Issued:</td>
</tr>
<tr>
<td>Comment:</td>
<td>Date of Expiration:</td>
</tr>
</tbody>
</table>

---

6/14/2006
06-115

Set Public Hearing

July 10, 2006

Island Pond Road Acceptance
TOWN OF CUMBERLAND, MAINE
PRIVATE WAY GRANT OF A PUBLIC EASEMENT

EASEMENT DEED made this 13th day of October, 2005 by and between ISLAND POND ROAD ASSOCIATION, a Maine Not-For-Profit Corporation, with a mailing address of 8 Island Pond Road, Cumberland Foreside, Maine 04110 (hereinafter referred to as “Grantor”) and the TOWN OF CUMBERLAND, a Maine municipality under the laws of the State of Maine, with a mailing address of 290 Tuttle Road, Cumberland, Maine 04021 (hereinafter referred to as “Cumberland”).

WHEREAS, Grantor is the owner and user of a private way known as Island Pond Road, in the Town of Cumberland, County of Cumberland and State of Maine as shown on Exhibit A annexed hereto and being further set forth in a deed to the Grantor from Edward B. Dinan, et al. recorded at the Cumberland County Registry of Deeds on April 15, 1999 in Book 14685, Page 161. Said road being further shown on “Fourth Amended Subdivision Plan” made for Lawrence Crane dated July 8, 1982 and recorded at the Cumberland County Registry of Deeds in Plan Book 192, Page 251; and

WHEREAS, Grantor wishes to grant Cumberland the right to maintain the road upon terms and conditions set forth in this Easement Deed; and

WHEREAS, Cumberland is willing to maintain the road upon terms and conditions set forth in this Easement Deed.

NOW THEREFORE, in consideration of the promises as set forth herein, the Grantor hereby grants unto Cumberland a public easement in common with the Grantor for use of the road for all purposes, including but not limited to, entering upon said road with persons, vehicles and equipment for the purpose of performing maintenance on said road, including without limitation repairs, snowplowing and sanding, but Cumberland shall be under no obligation to perform same.

As part consideration of this easement and notwithstanding anything to the contrary in the Easement Deed, Grantor shall be obligated to maintain the road at a minimum standard as may be required by Cumberland in accordance with policies established by Cumberland.

Grantor further hereby agrees to indemnify, release and hold harmless the Town of Cumberland, its officers, agents and employees from any and all liability from any and all claims, damages, actions and causes of action, judgments and costs including
attorneys' fees, for personal injury and property damage arising out of or resulting from Cumberland's maintenance of Island Pond Road.

In the event that Cumberland no longer maintains said Island Pond Road, Cumberland agrees to sign a recordable release of this easement.

This easement binding on the heirs, devisees, assigns and successors of the parties herein.

IN WITNESS WHEREOF, the said ISLAND POND ROAD ASSOCIATION has caused this instrument to be signed in its corporate name and sealed with its corporate seal by THOMAS N. LEA, its PRESIDENT, thereunto duly authorized this 13 day of OCTOBER, 2005.

ISLAND POND ROAD ASSOCIATION

STATE OF MAINE
CUMBERLAND, SS. 

OCTOBER 13, 2005

Then personally appeared the above-named THOMAS N. LEA, PRESIDENT of ISLAND POND ROAD ASSOCIATION as aforesaid and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

Attorney at Law/Notary Public
Print Name:
My Commission Expires:
IN WITNESS WHEREOF, the said TOWN OF CUMBERLAND has caused this instrument to be executed and its corporate seal affixed by William R. Shane, its Manager, thereunto duly authorized this ______ day of November, 2005.

TOWN OF CUMBERLAND

By: __________________________
    Its
    Town Manager
    William R. Shane

STATE OF MAINE
CUMBERLAND, SS.    November 4, 2005

Then personally appeared the above-named William R. Shane, Manager of said TOWN OF CUMBERLAND and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said municipality.

Before me,

Nancy L. Stroud
Attorney at Law/Notary Public
Print Name: Nancy L. Stroud
My Commission Expires: Sept. 13, 2009
The following is the list of assignments from 2005/06. Assignments will be made at the first meeting in July.

Chebeague Island Library Board of Trustees  
Cumberland/Yarmouth Joint Standing Committee  
Great Portland Council of Government  
Nominating Committee  

Prince Memorial Library Advisory Board  
Recreation/Community Education Advisory Board  
Regional Waste Systems Board  
Alternate  
Budget  
Val Halla Board of Trustees  
Liaison to Board of Appeals  
Liaison to Conservation Commission  
Liaison to Falmouth/Cumberland Chamber  
Liaison to Planning Board  
Liaison to Solid Waste Advisory Committee  
Liaison to Islands Committee  
Liaison to Cable TV Regulatory Board  
Joint Standing Committee  
Housing Authority  
Stone Wharf Committee  
Rines Forest Committee  
Regionalization Committee  
Coastal Waters Commission  
Islands Coalition  

Councilor Damon  
Councilors Damon and Moriarty  
Councilor Turner  
Councilor Porter  
Councilor Moriarty  
Councilor Kuntz  
Councilor Moriarty  
Councilor Turner  
Susan McGinty  
Manager Shane  
Councilor Stiles  
Councilor Stiles  
Councilor Storey  
Councilor Moriarty  
Manager Shane  
Councilor Porter  
Councilor Porter  
Councilor Damon  
Councilor Porter  
Councilors Moriarty and Damon  
Councilor Stiles  
Councilors Moriarty, Damon and Turner  
Councilors Moriarty and Porter  
Councilor Stiles  
Councilor Damon  
Councilor Damon
## Master Summary Report

### Monthly Building Permits

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
<th>Start Date</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access. Struct.</td>
<td>1</td>
<td>$2,600.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Addition</td>
<td>7</td>
<td>$151,178.00</td>
<td>$1,179.25</td>
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<tr>
<td>Deck</td>
<td>3</td>
<td>$40,830.00</td>
<td>$214.65</td>
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<td>Demolition</td>
<td>2</td>
<td>$1,500.00</td>
<td>$50.00</td>
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<tr>
<td>House</td>
<td>4</td>
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<td>$4,183.40</td>
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<tr>
<td>Porches</td>
<td>2</td>
<td>$8,700.00</td>
<td>$75.00</td>
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<tr>
<td>Renovation</td>
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<td>$167,244.00</td>
<td>$1,788.94</td>
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<td>5</td>
<td>$17,000.00</td>
<td>$150.00</td>
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<tr>
<td>Shore/and Permit</td>
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<td>$750,000.00</td>
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<tr>
<td>Temp. Structure</td>
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<td>$0.00</td>
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<tr>
<td><strong>Totals</strong></td>
<td>32</td>
<td>$5,348,052.00</td>
<td>$7,789.24</td>
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</tbody>
</table>

### YTD Building Permits

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
<th>Start Date</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access. Struct.</td>
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<td>$333.60</td>
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<tr>
<td>Commercial</td>
<td>1</td>
<td>$35,000.00</td>
<td>$570.00</td>
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<tr>
<td>CONDO</td>
<td>5</td>
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<tr>
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<td>1</td>
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<td>Garage</td>
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<td>$122,000.00</td>
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<td>Re-location of Existing Dwelli</td>
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</table>
### Master Summary Report

#### Monthly Building Permits

<table>
<thead>
<tr>
<th>Description</th>
<th>Count</th>
<th>Start Date</th>
<th>End Date</th>
<th>Cost</th>
<th>Overhead</th>
</tr>
</thead>
<tbody>
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<tr>
<td>Commercial</td>
<td>1</td>
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<td>$570.00</td>
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<tr>
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<tr>
<td>Garage</td>
<td>5</td>
<td>$122,000.00</td>
<td>$705.20</td>
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<tr>
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<tr>
<td>Re-location of Existing Dwelli</td>
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<tr>
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<td><strong>$13,682.34</strong></td>
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</table>

#### YTD Building Permits

<table>
<thead>
<tr>
<th>Description</th>
<th>Count</th>
<th>Start Date</th>
<th>End Date</th>
<th>Cost</th>
<th>Overhead</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
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<td>1</td>
<td>$160,000.00</td>
<td>$333.60</td>
<td></td>
<td></td>
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<tr>
<td>Commercial</td>
<td>1</td>
<td>$35,000.00</td>
<td>$570.00</td>
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</tr>
<tr>
<td>Condo</td>
<td>5</td>
<td>$790,000.00</td>
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<td>1</td>
<td>$26,000.00</td>
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<td></td>
<td></td>
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<tr>
<td>Garage</td>
<td>5</td>
<td>$122,000.00</td>
<td>$705.20</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Tuesday, June 20, 2006**
## Master Summary Report

### Monthly Building Permits

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
<th>Start Date:</th>
<th>End Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addition</td>
<td>2</td>
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<td>Deck</td>
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<td>Demolition</td>
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<td>$25.00</td>
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<tr>
<td>House</td>
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<tr>
<td>Renovation</td>
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<td>$26,350.00</td>
<td>$330.00</td>
</tr>
</tbody>
</table>

**Totals**: 11 | $875,050.00 | $3,171.40

### YTD Building Permits

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
<th>Start Date:</th>
<th>End Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access. Struct.</td>
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<td>$2,700.00</td>
<td>$175.00</td>
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<tr>
<td>Demolition</td>
<td>1</td>
<td>$0.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>Foundation</td>
<td>1</td>
<td>$26,000.00</td>
<td>$117.00</td>
</tr>
<tr>
<td>House</td>
<td>6</td>
<td>$2,136,000.00</td>
<td>$6,661.05</td>
</tr>
<tr>
<td>Renovation</td>
<td>9</td>
<td>$112,275.00</td>
<td>$1,373.75</td>
</tr>
<tr>
<td>Shoreland Zoning</td>
<td>2</td>
<td>$23,500.00</td>
<td>$300.00</td>
</tr>
</tbody>
</table>

**Totals**: 30 | $2,810,975.00 | $10,558.00

### Electrical Permits for dates between 03/01/06 and 03/31/06

<table>
<thead>
<tr>
<th>Count</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>$812.40</td>
</tr>
</tbody>
</table>

### YTD Electrical Permits

<table>
<thead>
<tr>
<th>Count</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>42</td>
<td>$4,163.80</td>
</tr>
</tbody>
</table>

### Plumbing Permits for dates between 03/01/06 and 03/31/06

<table>
<thead>
<tr>
<th>Count</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>$891.00</td>
</tr>
</tbody>
</table>

### YTD Plumbing Permits

<table>
<thead>
<tr>
<th>Count</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>$4,104.00</td>
</tr>
</tbody>
</table>

Tuesday, June 20, 2006

Page 1 of 2

William Longley
Dear Town Council of Cumberland,

I’m a student at Greely High School. I think that there could be more done to prevent urban sprawl. Urban sprawl happens when people from villages, towns and other populated areas move out into the country to have more space and possibly have a better life style. This causes people to have to drive more often and farther to get to jobs, supermarkets and anything else that could easily be reached by foot or any other mode of transportation. This, in turn, has a negative effect on the ecosystem.

In Cumberland, there is nothing around us. No supermarkets, no stores, not much of anything. Which, I suppose could be seen as a good thing. We don’t have heavy traffic, making the roads very safe to walk or bike beside. Yet, we have to drive to get everything we need. For example: my friends and I have to drive to Portland to dance class. I also had to drive there to go to my art classes. Everyone has to go to Falmouth or some other place for food. I’m sure that people in my town don’t really mind the twenty minute commute to the supermarket, but it does take a toll on how much gas we consume. It may not seem like much but each person in Cumberland has to leave town at least twice a week and cutting that down to once would greatly impact the consumption of gas. It also allows the release of more greenhouse gasses into the atmosphere. It may seem as though changing one town will not make much off a difference but the only way to create less is to burn less fossil fuels and every bit counts.

I propose that we start building businesses in Cumberland. Not only would this stimulate the economy but it also reduces the amount of greenhouse gases that our town will be producing. I suggest that we build some sort of grocery store. This should be the first thing built because a bulk of people driving out of Cumberland are driving to buy food. Building a grocery store would also provide jobs for students who can’t yet drive.

Another thing that would be a good idea to build is some sort of teen center. I know from experience, there is nothing to do here and if you can’t get your parents to drive you someplace, you are stuck at home on the computer or hitching a ride from your friends. If we were to build a place for teens to go and just hang out it would provide more jobs and less driving about.

Sincerely,

Julie Mitchell
June 19, 2006

William Shane  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

RE: Safety Grant "Enhancement" Program Award

Dear Mr. Shane,

Our check in the amount of $1,437.00 payable to the Town Of Cumberland is enclosed.

This award represents payment for the "May 2005 Safety Grant" submitted by Chief Small for the purchase of traffic control devices.

If you have any questions or concerns, please give us a call. Congratulations on your award and thanks for your interest in safety.

Sincerely,

Deborah Balmer  
Loss Control Technician

Enclosure: check

cc: Daniel Small, Fire Chief
June 19, 2006

Mr. William Shane  
Town of Cumberland  
290 Tuttle Rd  
Cumberland, ME 04021

RE: Safety Grant "Enhancement" Program Award

Dear Mr. Shane,

Our check in the amount of $1,964.00 payable to the Town Of Cumberland is enclosed.

This award represents payment for the "October 2005 Safety Grant" submitted by Fire Chief Daniel Small for the purchase of traffic control devices.

If you have any questions or concerns, please give us a call. Congratulations on your award and thanks for your interest in safety.

Sincerely,

Deborah Balmer  
Loss Control Technician

Enclosure: check

cc: Daniel Small, Fire Chief
To: Town Council
From: William R. Shane
Date: June 19, 2006
Re: Town of Cumberland Flag

Jock McDonald has recently done some research for a Town of Cumberland Flag.

This flag would have the Cumberland seal upon it similar to the State flag.

He has been in contact with Mainely Flags, Inc. and received a quote which is attached to this memo.

Please let me know if this is something the Council would like to pursue.
Good afternoon, Jock

Following is the price quote for the Cumberland Town Seal flag.

3x5' Horizontal, NYLON, Digital Print, Single Reverse field with full color seal. Outdoor w/Header and Grommets. $385.00 ea

Same as above. Presentation indoor flag with pole hem and gold fringe $405.00 ea

Multiple flags 12 Outdoor with Header and Grommets $380.00 ea

Price Quotes include Set Charge and 4 hour art charge. You can avoid all or most of the art charge if you can supply me with disk and a color print out 300 dpi resolution scaled to exact proportion of finished product.

The price of the individual flag drops considerably when a customer orders 12 because the basic charge for each flag is less and the set charge and art charge are divided by 12.

Please contact me if you have any questions or I can be of further assistance.

Thanks adele
Mainely Flags, Inc. PH 207-363-4876
Here is a $100 contribution towards Twin Brook Park.

Thanks a lot.

The Guillins.
PAY TO THE ORDER OF Town of Cumberland

One Hundred and 00/100 DOLLARS

MAINE BANK & TRUST
a maine bank for maine people

MEMO Twin Brook Mall

5129
## VITAL RECORDS FOR THE WEEK OF JUNE 18, 2006

### Birth Certificates

<table>
<thead>
<tr>
<th>Child's Name</th>
<th>Date of Birth</th>
<th>Parents</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miranda Jo Manchester</td>
<td>June 2, 2006</td>
<td>Laforest &amp; Melissa Manchester</td>
<td>P.O. Box 35, Cumberland, Me.</td>
</tr>
</tbody>
</table>

### Marriage Licenses

None

### Death Certificates

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Death</th>
<th>Age</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steven Noyes</td>
<td>June 9, 2006</td>
<td>60</td>
<td>146 Main Street, Cumberland, Me.</td>
</tr>
</tbody>
</table>